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June 26, 2020

BY E-MAIL and ECF

Honorable Analisa Torres
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Martin Walsh v. City of New York, et. al.
19 CV 9238 (AT)

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and I represent defendants Kevon Sample, Oliver Liebowitz, Jason Lunsford, Jhonny Milfort, Catherine Doran, and The City of New York ("Defendants") in the above-referenced matter. Defendants write, with the consent of plaintiff's counsel Samuel DePaola, to respectfully request a modification to the briefing schedule to extend the due date pertaining to defendants' motion to dismiss by ten (10) days. This is defendants' second request for a modification to the briefing schedule.

Defendants also respectfully request that the due date for the parties to submit a proposed case management plan be adjourned to July 13, 2020, or another date thereafter convenient to the Court, and that the initial conference, currently scheduled for July 8, 2020 be similarly adjourned to a date after July 13, 2020, but before July 31, 2020, if convenient to the Court. Plaintiff's counsel, Samuel DePaola, consents to this request, on the condition that the requested date for an adjourned initial conference be prior to the end of July 2020.

On March 31, 2020, the Court issued Orders setting the following briefing schedule for defendants' motion to dismiss the complaint in this action:

- June 30, 2020 – Defendants' Motion Due
- July 31, 2020 – Plaintiff's Opposition Due
- August 14, 2020 – Defendants' Reply Due

On April 1, 2020, the Court adjourned the Initial Conference from April 6, 2020 to July 8, 2020.

Due to certain complications arising out of the Coronavirus pandemic, as well as some unanticipated personal obligations for the undersigned, defendants will need a short extension of time to file their motion to dismiss. Further, as the Court is aware, in addition to the complications caused by the Coronavirus pandemic, new complications have arisen in connection with recent protests. For example, the undersigned's ability to consult with the individual defendant officers was temporarily affected activities in connection with the protests.

For the reasons set forth herein, defendants respectfully request that the Court endorse the following revised briefing schedule, which extends all dates out by a period of ten (10) days:

- July 10, 2020 – Defendants' Motion Due
- August 10, 2020 – Plaintiff's Opposition Due
- August 24, 2020 – Defendants' Reply Due

In connection with that request, defendants also respectfully request that the due date for the parties to submit a proposed case management plan be adjourned to July 13, 2020 or another date thereafter, and that the initial conference also be adjourned to a date between July 13, 2020 and July 31, 2020, or another date thereafter convenient to the Court.

Defendants thank the Court for its time and consideration in this regard.

Respectfully submitted,

/s/ Matt McQueen

Matthew W. McQueen
Special Federal Litigation Division

cc: Samuel C. DePaola, Esq. (by ECF)
Attorney for Plaintiff

GRANTED. By **July 10, 2020**, Defendants shall file their motion to dismiss. By **August 10, 2020**, Plaintiff shall file his opposition. By **August 24, 2020**, Defendants shall file any reply.

The initial pretrial conference scheduled for July 8, 2020 is ADJOURNED to **July 22, 2020, at 11:40 a.m.** The initial pretrial conference will be conducted telephonically. The parties are directed to call (888) 398-2342 or (215) 861-0674, and enter access code 5598827.

By **July 15, 2020**, the parties shall submit their joint letter and proposed case management plan.

SO ORDERED.

Dated: June 29, 2020

New York, New York



ANALISA TORRES
United States District Judge